

**REMARKS**

Claims 1-20 are pending in this application. By this Amendment, the specification and claims 1, 5-8, 11-13, 16-17 and 19-20 are amended. Various amendments are made for clarity and are unrelated to issues of patentability.

Applicants gratefully acknowledge the Office Action's indication that claims 1-5 are allowed and that claims 7-11 and 17 contain allowable subject matter. However, as will be described below, all claims are believed to be allowed.

The Office Action rejects claims 6, 12-16 and 18-20 under 35 U.S.C. §103(a) over the alleged prior art figures 1-3 (hereafter AAPA) in view of "Broadband Radio Access Networks" (hereafter Broadband) and "Throughput Performance of WLANs Operating at 5GHz Based on Link Simulations with Real and Statistical Channels" by Doufexi (hereafter Doufexi). The rejection is respectfully traversed with respect to the pending claims.

The Office Action appears to state that AAPA includes FIGs. 1-3 that are admitted by the applicant in the present specification as being prior art. The Office Action also cites paragraphs [0012]-[0014] of the present specification. However, FIGs. 1-3 are not identified in the specification or in the figures as being prior art. The Patent Office is respectfully requested to indicate how FIGs. 1-3 are prior art.

Independent claim 6 recites calculating a number of symbols allocated to signaling, sector classification and terminal classification in one MAC frame, subtracting the calculated number of symbols from a total number of symbols allocated to the one MAC frame, and displaying data transmission throughput based on a result of the subtraction.

Reply to Office Action dated June 11, 2007

The Office Action (on page 2) states that the AAPA does not disclose calculating a number of symbols allocated to sector classification and terminal classification in one MAC frame. The Office Action then relies on Broadband as disclosing propagation delay guard times and sector switch guard times. The Office Action also cites Doufexi as disclosing that sources of overhead including gap time, preambles and header fields are to be evaluated in calculating data transmission throughput of a wireless LAN. The Office Action then combines the teachings of Broadband and Doufexi to allegedly show the claimed features of independent claim 6. However, the combination is improper and does not teach or suggest all the features of independent claim 6.

Doufexi discloses evaluating two WLAN standards. Doufexi's Section 4 (starting on page 767) relates to throughput performance of the two specific WLAN standards, namely HIPERLAN/2 and IEEE 102.11a. The throughput performance is evaluated in regard to overhead that may include gap time, preamble, header fields and ACK frames. However, Doufexi does not teach or suggest calculating a number of symbols allocated to sector classification and terminal classification in on MAC frame, as recited in independent claim 6.

Broadband discloses a guard time between uplink PDU trains and/or compensating for large propagation delays by increasing the guard time. However, Broadband does not teach or suggest calculating a number of symbols allocated to sector classification and terminal classification in one MAC frame, as recited in independent claim 6.

Additionally, there is no suggestion in the prior art for combining the features of Broadband and Doufexi with AAPA so as to find the features of calculating a number of

Reply to Office Action dated June 11, 2007

symbols allocated to signaling, sector classification and terminal classification in one MAC frame and subtracting the calculated number of symbols from a total number of symbols allocated to the one MAC frame. The Office Action (on page 3, lines 7-11) appears to state that the motivation to combine the references would be to calculate the data transmission throughput more accurately. However, the combination still does not suggest the missing features relating to calculating a number of symbols allocated to sector classification and terminal classification.

There is no suggestion to combine Doufexi and Broadband with AAPA so as to obtain these features of independent claim 6. Any such modification of AAPA is clearly based on impermissible hindsight as there is no suggestion in the prior art (and/or in AAPA) for this modification.

The Office Action attempts to combine Doufexi and Broadband with AAPA so as to obtain the features of independent claim 6. However, merely because Broadband discloses sector switch guard times and/or propagation delays and Doufexi discloses sources of overhead, this still does not teach or suggest calculating a number of symbols allocated to the classifications in one MAC frame and/or subtracting the calculated number of symbols from a total number of symbols allocated to the one MAC frame. Furthermore, Doufexi and Broadband do not relate to calculating a number of symbols in one MAC frame.

In view of the above, it is respectfully submitted that the combination of AAPA, Broadband and Doufexi does not teach or suggest all the features of independent claim 6. Thus, independent claim 6 defines patentable subject matter.

Independent claim 12 recites determining a number of symbols of sector switch guard times and propagation delay guard times of a frame, determining a number of symbols of signaling PDUs and data PDUs except Long Transmit Channels (LCHs), and determining a number of symbols to be used for data transmission in the frame based on the determined number of symbols of sector switch guard times and propagation delay guard times and the determined number of symbols of signaling PDUs and data PDUs.

For at least similar reasons as set forth above, AAPA, Broadband and Doufexi do not teach or suggest all the features of independent claim 12. The Office Action (on page 3) states that independent claim 12 is rejected for similar reasons as independent claim 6. Applicants submit that independent claim 12 includes a specific determining that is not taught or suggested by any of the references. For example, AAPA, Broadband and/or Doufexi, either alone or in combination, do not teach or suggest determining a number of symbols of sector switch guard times and propagation delay guard times of a frame, as is specifically recited in independent claim 12.

Furthermore, AAPA, Broadband and/or Doufexi, either alone or in combination, do not teach or suggest determining a number of symbols to be used for data transmission in the frame based on the determined number of symbols of sector switch guard times and propagation delay guard times. More specifically, Doufexi and Broadband do not relate to determining a number of symbols to be used for data transmission based on the determined number of symbols of sector switch guard times and propagation delay guard times.

Reply to Office Action dated June 11, 2007

Even further, there is no suggestion to combine Doufexi and Broadband with AAPA so as to obtain these features of independent claim 12. Any such modification of AAPA is clearly based on impermissible hindsight as there is no suggestion in the prior art (and/or in AAPA) for this modification.

For at least the reasons set forth above, AAPA, Broadband and/or Doufexi, either alone or in combination do not teach or suggest all the features of independent claim 12. Thus, independent claim 12 defines patentable subject matter.

For at least the reasons set forth above, each of independent claims 1, 6 and 12 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-20 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

Serial No. **10/775,240**

Docket No. **P-0623**

Reply to Office Action dated June 11, 2007

concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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